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LETTER DATED 23 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF GEORGIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to transmit herewith the text of the statement of the Ministry of Foreign Affairs of Georgia regarding the armed incident that took place in the conflict zone of Abkhazia, Georgia, on 21 December 1998.

The Government of Georgia had warned the international community about the possible armed provocation of the Abkhaz side in the conflict zone (see S/1998/1193, annex).

We strongly believe that the Security Council will take undelayed and adequate measures in response to any attempt to stall the peace process in Abkhazia, Georgia.

May I ask your kind assistance in having the present letter and its annex circulated as a document of the Security Council.

(Signed) Peter CHKHEIDZE
Ambassador
Permanent Representative

Annex

Statement of the Ministry of Foreign Affairs of Georgia issued in Tblisi on 22 December 1998

On 21 December 1998, at approximately 11 p.m., units of the Ministry of Internal Affairs of Georgia deployed in the village of Orsantia, in the Zugdidi region, were subjected to intensive fire from machine-guns, grenade launchers, mortars and sub-machine guns coming from checkpoint No. 208 of the peacekeeping forces of the Commonwealth of Independent States (CIS).

This unexpected and ungrounded onset lasted for 40 to 45 minutes; however, the Georgian side ignored the provocation and did not retaliate.

Armed groups of Abkhazians took advantage of the attack by penetrating the rear and opening fire on the Georgian units. As a result of this armed provocation, a 19-year-old serviceman, Roland Gabelia, was seriously wounded in the head and pronounced dead after he was brought to hospital.

The Government of Georgia has at its disposal incontrovertible evidence of the complicity of certain personnel of the CIS peacekeeping forces in this incident.

The Ministry of Foreign Affairs expresses its deep concern at this provocation and recalls the repeated warning of the Government of Georgia against the imminent escalation of tensions in the conflict zone, connected with the recent concentration of armed Abkhaz groups in the Gali region (S/1998/1193, annex).

In order to prevent such provocations and on the basis of the agreement reached in Geneva, on the proposal of the Georgian delegation, a meeting was held on 21 December 1998 in Gali between the power structures of the two sides, with the participation of the military leadership of the CIS peacekeeping forces. Although the parties had agreed to take additional measures to avert bloodshed, the above incident occurred practically as soon as the meeting was over.

It is clear that the above-mentioned action is just another attempt by the separatists to engage the Georgian side in large-scale armed confrontation.

The Government of Georgia has demanded that the military leadership of the CIS peacekeeping forces, with the participation of both sides in the conflict, conduct a thorough and comprehensive investigation into this incident and bring those responsible to justice. The Government of Georgia has also appealed to the United Nations Observer Mission in Georgia (UNOMIG) to take all measures to expose the truth and to prevent violence in the conflict zone.

The Ministry of Foreign Affairs of Georgia expresses confidence that the international community will condemn this provocation and take adequate steps in order to prevent the obstruction of the peace process in Georgia.

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GENERAL ASSEMBLY
Fifty-third session
Agenda items 20, 105 and 110
STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL ECONOMIC ASSISTANCE
REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES: QUESTIONS RELATING TO REFUGEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-third year

Letter dated 21 December 1998 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General

I have the honour to attach part of an independent report entitled "Human Rights Watch World Report 1999" (see annex), which was released early this month. The report describes the gross violation of human rights of Eritreans and Ethiopians of Eritrean origin living in Ethiopia by the regime in Addis Ababa. My Government believes that this inhumane action deserves immediate response from the international community.

I should be grateful if you would kindly circulate the text of the present letter and its annex as a document of the General Assembly, under agenda items 20, 105 and 110, and of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

Annex

HUMAN RIGHTS WATCH WORLD REPORT 1999

Events of
December 1997-November 1998

New York • Washington • London • Brussels

ETHIOPIA

Human Rights Developments

The close political and strategic alliance between Ethiopia and Eritrea collapsed in early May when a minor border dispute flared up into brief violent confrontations. Hundreds were killed on both sides, mainly civilians. The fighting displaced thousands of villagers on both sides of the border. Fighting ceased in mid-June following intense mediation efforts, but a massive military buildup by both states continued as a bitter propaganda war and the pursuit of escalation by extremists on both sides reduced the chances of a negotiated settlement.

Both sides traded accusations of ill-treatment of their citizens whom the conflict had found on the wrong side of the border. Eritrea denied deliberately expelling Ethiopians and said its policy would remain one of welcoming and protecting Ethiopians willing to stay, but a September 26 statement by the Eritrean foreign ministry put the number of Ethiopians who had "voluntarily returned" to their country at 6,600.

Compelling evidence pointed to a deliberate campaign by the Ethiopian authorities to expel Eritreans and Ethiopians of Eritrean origin to Eritrea. By late October, an estimated thirty thousand, most of them Ethiopian citizens who had not taken up Eritrean nationality in the aftermath of Eritrea's 1991 secession from Ethiopia, were deported after experiencing systematic denial of their human rights. The campaign swiftly degenerated from selective targeting to indiscriminate deportations. A government "policy" state-

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ment on June 11 said the "550,000 Eritreans residing in Ethiopia" could continue to live and work peacefully there. However, as a "precautionary measure," the statement ordered members of Eritrean political and community organizations to leave the country on account of their suspected support of the Eritrean war effort, and gave a mandatory leave of absence of one month to Eritreans occupying "sensitive" jobs. While authorities initially suggested an option of voluntary departure for the targeted categories, they later began rounding up people on the sole basis of their being Eritrean or of Eritrean extraction, and apparently without making an effort to distinguish between the two categories. Not all who fell in the dragnet were deported. Those of military age were sent to detention camps where an unknown number remained held by late October without charge or trial. Others were trucked, after brief detentions, to remote border posts and ordered to cross into Eritrea on foot. Those detained and expelled included many elderly retired citizens of Ethiopia, mainly businessmen who had lived most of their lives and raised their children in other provinces of Ethiopia while Eritrea fought for its independence. The government ordered the freezing of their assets and revoked their business licenses, stripping them and their families of their livelihood. Many families were separated during the deportations from underage children who were not allowed to leave with them, or, in a few cases, from children who were deported unaccompanied.

Prime Minister Meles Zenawi in an interview with Radio Ethiopia on July 9 said the deportees were "foreigners," adding that "... any foreign national, whether Eritrean or Japanese etc. ... lives in Ethiopia because of the goodwill of the Ethiopian government. If we say 'Go, because we don't like the color of your eyes,' they have to leave." The issue was, however, more complex than the prime minister's assertion suggested. For the forty years preceding Eritrean independence in 1991 both countries were part of the same internationally recognized state. Strong cultural, religious, and linguistic affinities existed between the two people, and intermarriages were common. The Ethiopian constitution, in its Article 6, grants citizenship by birth to any person with one or both Ethiopian parents. Many Eritreans had retained their Ethiopian nationality when Eritrea became independent, and Ethiopia did not take any legal measure to rescind their citizenship then. As a consequence, the Ethiopian government had no legal basis to consider many of the deportees as aliens. The roundup, detention, and the ill-treatment of which the deportees, whether nationals or aliens, were the victims violated rights of nondiscrimination and freedom of movement that the Ethiopian constitution guaranteed. The deportations and accompanying violations of a range of rights of the deportees also violated Ethiopia's obligations under the International Covenant on Civil and Political Rights and other human rights treaties it has ratified and indeed incorporated into the law of the land.

Defending Human Rights

Eight members of the board of directors of the Human Rights League remained in detention a year after their arrest in October 1997, charged with armed conspiracy with the OLF. On April 8, 1998, security agents raided the offices of the league, took away its office equipment and archives, and sealed the premises. The government refused to register the league following its establishment in December 1996 by members of the Oromo community in Addis Ababa, despite constitutional guarantees of freedom of association. The veteran Human Rights Council continued to function without any form of official recognition or responses to its repeated appeals for human rights improvements. Other monitoring groups, such as the Ogaden Human Rights

Committee, the Oromo Ex-Prisoners for Human Rights, and Solidarity Committee for Ethiopian Political Prisoners, were forced underground or into exile, and could only publish critical reports abroad, increasingly through the Internet. The government authorized the activities of several civic and human rights education groups.

An international human rights conference on the establishment of a human rights commission and office of Ombudsman, sponsored by international donors and organized by the Council of People's Representatives, convened in Addis Ababa in May. Notable absentees were the Ethiopian Human Rights Council, the Human Rights League, and also the private press, who were not invited.

The Role of the International Community

United Nations

In an unanimously adopted resolution on June 26 the U.N. Security Council demanded an immediate end to the border conflict between Ethiopia and Eritrea, and urged both sides to cooperate with mediation efforts led by the Organization of African Unity. The resolution also established a trust fund to support any eventual U.N. technical mission for border demarcation. By late October, the U.N. still maintained a low profile in seeking a solution for the dispute at a time when it was poised to flare up again in open war.

High Commissioner for Human Rights Mary Robinson on July 1 issued a statement expressing concern about the violation of human rights of Eritreans being expelled from Ethiopia, and appealing to the two countries to resolve their dispute peacefully. Ethiopia reacted angrily, and demanded an immediate amendment to what it said was a baseless statement which, the Foreign Ministry charged, was "of the type that would undermine the credibility of the office of the United Nations."

Contrary to the Ministry's statement, the U.N.'s credibility could only be harmed by the lack of human rights considerations despite the variety and levels of its involvements in the country. Senior U.N. officials frequently visited Addis Ababa, which is also the headquarters of the Organization of African Unity (O.A.U.), and the U.N.'s Economic Commission for Africa. Ethiopia ranked as the third largest recipient of the agency's Children's Emergency Fund support worldwide, and was one of the top four beneficiaries of its Food and Agriculture Organization globally. In late April, U.N. Secretary-General Kofi Annan held talks with Ethiopian government officials and those of the O.A.U. on prospects for peace in east and central Africa. He voiced guarded optimism about the end of a decade of conflicts in Africa and the emergence of a "new Africa" which he depicted as making efforts to "reject violence, embrace democracy, endorse human rights and promote economic reform." Two weeks after the end of his tour, renewed deadly conflicts exploded in east and central Africa.